The Historic Harm, Inequities & Water Affordability: Race, Rates & Infrastructure

Peter J. Hammer Professor of Law and Director Damon J Keith Center for Civil Rights Wayne State University Law School All About Water: Equity and Affordability June 24, 2020

Law v. Equity

- Definition of equity
- 1a: justice according to natural law
- **3c**: a body of legal doctrines and rules developed to enlarge, supplement, or override a narrow rigid system of law

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Words that start with "R"

- **Restitution**: an equitable remedy with two elements
 - A benefit has been conferred
 - It would be unjust to retain it
- Reparations:
 - 1a: a repairing or keeping in repair
 - 2a: the act of making amends, offering explation, or giving satisfaction for a wrong or injury VIEW ONLY

Race, rates and Infrastructure



Race, Rates & Infrastructure

- Structural Racism: The inter-institutional dynamics that produce and reproduce racially disparate outcomes over time
- Structural racism requires a bureaucracy, administration and infrastructure to operate
- Water infrastructure can be used as a metaphor to understand the dynamics of structural racism in a region over time
- Rate structures: Oppression manifested through the bureaucratic administration of a public assert

Regionalism: Growth 1920-2004



Added to DWSD, 1950-1959 Berkley **Sterling Heights** Westland Birmingham Clawson Hazel Park Madison Heights **Beverly Hills** Canton writed Centerline Huron Town

Added to DWSD, 1960-1969

City of Flint Farmington Plymouth Township City of Flushing Fraser Keego Harbor Pontiac Sumpter Township Utica Rockwood Ash Township Van Buren Township Mage of Carleton Belleville Bloomfield Clid Northville Toymphip Lapter Troy Auburn Hills Novi City of Northville Shelby Township Clinton Township

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Added to DWSD, 1970-1979

West Boomfield Twp Benin Township EstraidBeach City of Bloomfield Hills Hamson Township Flint Township Flushing Township Mt. Morris Township Swartz Creek Davison Township Imlay City City of Plymputh City of Rochester Hills Ypsilanti Township City of Mt. Morris

Mundy Township Pittsfield Township Vienna Township City of Burton Clayton Township Chesterfield Township Gaines Township OCDO Almont Genesue Township Greenwood Township Montrose Township

Greenwood Township Montrose Township Washington Township City of Montrose

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Where is opportunity?

- Mapping Opportunity
- Michigan Roundtable-Kirwan Institute Opportunity Mapping (2008)
- Defining Opportunity
 - Housing
 - Employment
 - Schooling
 - Health
 - Transportation
 - Food security
 - Living environment

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Segregation wealth & opportunity



Spatial Racism in S.E. Michigan



Race, rates and infrastructure

- Municipal distress in cities like Detroit and Flint are grounded in a history of <u>spatial-structural racism</u>
- <u>Spatial-structural racism</u> lies at the heart of water quality issues and water un-affordability in Flint, Detroit and Toledo
- <u>Strategic racism</u> and Emergency Management lie at the heart of the Flint Water Crises, water shutoffs, the theft of DWSD and the creation of the GLWA
- Only the intentional use of a racial equity frame can lead to sustainable change

Action in equity

- Equity: justice according to natural law
- **Restitution**: an equitable remedy with two elements
 - A benefit has been conferred
 - It would be unjust to retain it
- Reparations:
 - **1a**: a <u>repairing</u> or keeping in <u>repair</u>
 - 2a: the act of making amends, offering expiation, or giving satisfaction for a wrong or injury
- Race, Rates & Infrastructure

CRUSADER JUSTICE

FEDERAL JUDGE DAMON J. KEITH

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